App. F. IX-4

1926

File No. 224-26

Previous References (Courts)

Serial Nos. 1-2

Later References
to 38-27 (1-4)

PRESERVED

pre

General and Revenue Secretariat.

Serial Nos. Two

Part B for March of 27

SUBJECT

Addenda and corrigenda to the Criminal Rules of practice nos 4 and 5 for entering appeals filed under the municipal Regulation

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Gonop 4786 & 15-3-27

To the Regr Chief Court

Approved

Manasamany Iyengar
22-3-27

G. R. S. III -1] 1926-27

GENERAL AND REVENUE SECRETARIAT.

Courts

NOTES. File No. 224

FILE HEADING.

Amendment of the Criminal Rules of Practice and forms prescribed under for entering appeals filed under the municipal Regulations

From The Registrar High Court

C No. 871 Dated 26-1-27 Received 29-1-27

Diary No. 3391 | Enclos. 1 Spare Copies. | Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that appeals filed under the Municipal Regulations are entered in Criminal Registers no VI. A-(Regr of Cri. mis. appeals) and that such cases are really orders and not appeals against any order and it will be more appropriate to include them in the Regr of Criminal miscellaneous cases and forwards amendments to the forms for entering such cases.

NOTES AND ORDERS.

Submitted for orders with a draft.

R/
31.1.27
ARR 1/2

Read with a copy of the Criminal Rules & orders Vol II with the first Correction Slip containing the forms of Criminal Registers no VI-A

L

R/
31/1/27
ARR 1/2

NOTES—First Sheet.

WD.1891—GPB—30 000—1-8121

Serial No.

3) Section 86 of the municipal Regulations provides for appeals being presented to magistrates against notices of demand issued under Section 82 (3) of the Regulations

4) The Registrar chief court says that the chief judge noticed during his inspection of a Criminal Court that such appeals are entered in Criminal Register Form VI A (Register of Criminal Miscellaneous Appeals) H:L and that such appeals are not appeals in the real sense of the word both and that the order passed by the magistrate is only an order in an original case and not in appeal. Such cases are stated to be in the nature of miscellaneous cases and it is proposed to get them entered in the Register Form III (page 20. Cr: Rules & orders vol II)

9174/7/3

5) It is also proposed to amend the column 4 of Form III suitably.

6) As a consequence, Quarterly Statement No 4 (page 35 of the same volume) is also proposed to be amended.

7) The amendments proposed may be approved.

8) Draft Sanctioning is Subd

See 4 LD) 8/4/3

9) Draft is all right & may be app^d

Better to use the word Appeals rather than Cases in the Chief Court

NOTE—Contn. Sheet (Cross refs)

8/4 8/3 [illegible] 8/4 8/3 8/4

WD 01229—GPB—37,500—1-9-26
App. F. III—2]

General and Revenue Secretariat

No File No. 224 of 1926

Serial No.

B 21/3

GOI no. 47669, 15-3-27 to the Govt of Bihar & Orissa
Approves of the addenda & corrigenda proposed in sl 1.

NOTE—Contn. Sheet

43269

33
P

Telgm:
"JUSTICE

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore 26th 27th January 1927

~~R. O. C.~~ ~~Dis.~~ No. 871 26-27

Ene one

Ch 224-26-1

From

JUDL. & REV. SECTT.
28. JAN. 1927
JUDL. SECTION.

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

To

B. Nagappa, Esq., Bar-at-law.
Secretary to Government
Local and Legislative Departments.
B A N G A L O R E.

Sir,

I am directed to state that during the recent inspection of a Criminal Court by the Chief Judge, it was noticed that appeals under Section 86 of the Municipal Regulation found entry in Criminal Register No. VI A (Register of Criminal Miscellaneous Appeals). As the rules stand at present, only the appeals against orders passed under certain sections of the Code of Criminal Procedure can find place in it and not appeals under the section of the Municipal Regulation. Moreover, though the word " appeal". is used in section 86, it is not strictly "an appeal" against any order, but only against the issue of a notice of demand. The order passed by the Magistrate is more in the nature of an order in an original case than in an appeal. The Chief Court therefore considers that cases under section 86 of the Municipal Regulation should preferably find place in Register No. III (of Criminal Miscellaneous cases) rather than in Register No. VI A.

I am further to state that although cases falling under Regulations other than the Criminal Procedure Code are required to be entered in Register III, the heading of column 4 restricts the entry only to cases coming under the latter. Opportunity is now taken to alter the heading appropriately.

As

2

As a consequence of the amendment proposed in para 1 above, it becomes necessary to add cases under section 86 referred to, to the list of cases shown in Criminal Quarterly Statement No. 4 also.

I am to request therefore that Government may be pleased to accord sanction to the accompanying addenda and corrigenda incorporating the proposed changes in the Criminal Rules of Practic Nos. 4 and 5.

I have the honour to be,

Sir,

Your most obedient servant.

A.W. Wijesinghe

For Registrar.

KVM/-

IN THE CHIEF COURT OF MYSORE AT BANGALORE

Criminal side.

Addendum dated ..... 1927, to Rule of Practice No. 4 dated 31st May 1878, as amended by corrigendum dated 30th October 1920 ~~and~~ and addendum dated 5th August 1921 and 13th July 1923.

The Chief Court directs that the following be added below No: 17 in column 1 of the Revised Quarterly statement:-

"18. Appeals against notice of demand issued - Section 86 of the Mysore Municipal Regulation VII of 1906."

M Venkatasubbaiya
For Registrar.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Criminal side.

Addendum et corrigendum dated ..... 1927, to Rule of Practice No. 5 dated the 12th June 1878, as amended by corrigendum dated 30th October 1920 and addendum dated the 5th August 1921 and 13th July 1923.

The Chief Court directs that the following be added below No. 17, in the list of cases given in the note to the revised form of Register No. III (Miscellaneous):-

" 18. Appeals against notice of demand issued - Section 86 of the Mysore Municipal Regulation VII of 1906 " Substitute " Act or Regulation and section of the Act or Regulation under which preferred" for the present heading of column 4 of Register No. III.

M Venkatasubbaiya
For Registrar.

KVN/-

ok

G.R..S VI G 341

SUBJECT.....

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Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 192

Date of issue 15/3/27

Signed by.....

May this be

Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Section

File No. 224-26

Serial No. 2

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

Letter no C & 71/26-27 & 26-1-27 from the Regr: b'lore Court stating that during the recent inspection of a criminal court by the Chief Judge of ~~the~~ it was noticed that appeals under Section 86 of the Municipal Regulation found entry in criminal Regr no VI-A (Regr: of criminal miscellaneous appeals) as the only appeals against orders passed under certain sections of the Criminal Procedure code can find a place in Regr: VI-A. and ~~that~~ the word appeal used in section 86 of the municipal Regulation Order Thereon—No. is not strictly an appeal against any order but only against the issue of a notice of demand and the order passed by the magistrate is more in the nature of an order in an original case than in an appeal and the Chief Court consider that cases under section 86 of the Municipal Regulation should properly find a place in Register no III of Register of

Commercial Miscellaneous cases) rather
than in Regiats no VI-A as a founding
for sanction necessary consequential
to Rules of Practice nos 413 inserting
therefore we do exactly to our effect is to
Opinion of the Privy Council
order.

Also the addenda & corrigenda proposed are
sanctioned. approved.

43 Leaves

Do

Register Privy Council under seal

3/
4.1.27
1/2

List of enclosures.

Copied by

Examined by

WD 1868—GPB—1,000,00—21-12-21